



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

MONDAY, MARCH 20, 2017

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Monday, March 20, 2017 in the Council Chambers at City Hall. Mayor Robinson called the meeting to order at 8:04 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Robinson led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Robinson, Councilmembers Esteve, Gardner (Arrived 8:09 p.m.), Glass (Arrived 8:26 p.m.), Polangin and Trough; City Manager Lott, Assistant City Manager Fitzwater, City Attorney Levan, City Clerk Hernandez, Staff, the Press, and the Public.

CITIZEN PARTICIPATION:

1. Aaron Marcavitch, representing Anacostia Trails Heritage Area – Briefed Council on the pending final approval of inclusion of the City of Bowie as part of the Heritage Trail Area and its benefits.
2. Dennis Brady, Paisley Lane – Spoke in regards to fracking and potential contamination of aquifers and the need for Council to support HB 1325 and oppose SB 862. (Copies of articles attached)

CITY MANAGER'S REPORT:

City Manager Lott reported: 1) State Highway Administration plans to repave Rt. 197 between Rt. 450 and Kenhill Drive this summer. 2) Interviews for the IT Director will be conducted next week and for the replacement of Anne Ford will begin tomorrow.

CONSENT AGENDA:

Councilmember Trough moved the approval of Consent Agenda Items: A) Approval of February 6 Meeting Minutes; B) Approval of Resolution R-14-17 Approving Variance Application BV-1-17 A Request by Manuel and Amanda Galaviz to Validate "After the Fact" the Construction of Approximately 104 Linear Feet of Six-Foot High Fencing Along Clearfield Drive When, According to the Prince George's County Zoning Ordinance, Such Fencing Shall Not be More Than Four Feet High, at 4231 Crosswick Turn; C) Approval of Resolution R-15-17 Waiving by a Two-Thirds Vote the Bidding Requirements of Section 61 of the City Charter and Authorizing the City Manager to Enter Into an Annual Support Agreement With Convergeone to Provide Managed Services on the Telephone System; D) Approval of Resolution R-16-17 Awarding a Contract for HVAC Preventative Maintenance

MAYOR G. Frederick Robinson **MAYOR PRO TEM** Henri Gardner

COUNCIL Michael P. Estève ♦ Courtney D. Glass ♦ James L. Marcos ♦ Diane M. Polangin ♦ Isaac C. Trough **CITY MANAGER** Alfred D. Lott
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and On-Call Services to Fresh Air Concepts, LLC of Linthicum, Maryland; E) Approval of Resolution R-17-17 Awarding a Contract for HVAC Preventative Maintenance and On-Call Repair Services to Kelly Hvac, Inc. of Bowie, Maryland; F) Approval of Letter of Support re: Bowie CLAW grant request to Maryland Department of Agriculture Spay and Neuter Grants Program. Councilmember Polangin seconded the motion and it carried 5-0.

OLD BUSINESS:

A. Approval of Ordinance O-1-17 Amending Chapter 5, "Building and Property Maintenance", of the City of Bowie Code, Article II, "Housing and Property Maintenance Code", Section 5-9, "Licensing and Inspection of Rental Dwellings", to Provide That Owners of Rental Properties Must Certify That Such Properties are in Compliance With the State's Lead Inspection Certificate Requirements. City Attorney Levan summarized the ordinance amendment which incorporates the requirement that owners of a residential rental dwellings state the property is not an affected property or, in the alternative, provide the Maryland Department of Environment lead paint certification number for said property.

Public Hearing:

Since there were no speakers signed up to speak, Mayor Robinson declared the public hearing to have been held.

Councilmember Esteve asked how many rental properties will this impact. City Manager Lott will look into the number and let Council know.

Councilmember Esteve made a motion to approve Ordinance O-1-17, Councilmember Truth seconded the motion. Motion passed 5-0.

NEW BUSINESS:

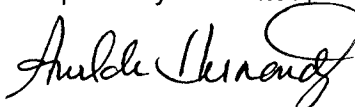
A. Racetrack MOU – City Manager Lott, summarized the memorandum. The parties of the Memorandum of Understanding are the Southern Maryland Agricultural Association (SMAA), City of Bowie and the 23rd Legislative District Delegation. SMAA is the owner of real property within the City of Bowie known as the Bowie Training Center. This memorandum ensures that the Bowie Training Center is maintained in a suitable state of upkeep and appearance.

Councilmember Esteve made a motion to accept the of Memorandum of Understanding between Southern Maryland Agricultural Association, 23rd Legislative Delegation and the City of Bowie, Mayor Pro Tem Gardner seconded the motion. Motion passed 6-0.

ADJOURNMENT:

Mayor Pro Tem Gardner moved to adjourn the City Council meeting. Councilmember Truth seconded the motion and it carried 6-0. The meeting adjourned at 8:27 p.m.

Respectfully submitted,



Awilda Hernandez, MMC
City Clerk

New Science Shows Fracking Contaminates Groundwater, Yet EPA Is Still Muzzled by Industry Pressure

by Jesse Coleman

Mar. 5, 2015



Carol French of the Pennsylvania Landowner Group for the Awareness and Solutions (PLGAS) holds a jar of contaminated water from the well that supplies her home in Bradford County. French, a mid-size dairy farmer, leased land to the gas industry but found information about the impacts of the hydraulic fracturing drilling process on land, water and roads is lacking. French has spoken at public events in the eastern United States to inform local residents about her experience with the new technology and local impacts.

A study has found that shale drilling and fracking contaminated drinking water wells in Pennsylvania. The study represents the first peer-reviewed paper confirming that fracking can and does contaminate drinking water supplies.

The study discovered that the whitish foam seeping from the faucets and hoses in Bradford county homes was the drilling chemical 2-BE a foaming agent known to cause tumors in rodents. The fracking industry contaminant was present in drinking water wells closest to Chesapeake Energy shale operations.

Residents of Bradford have been complaining about [redacted] since Chesapeake Energy began drilling in 2009. Bradford is now the most fracked county in Pennsylvania, and Chesapeake is the largest lease holder. While Chesapeake has never admitted responsibility for water contamination, the company has paid millions in settlements to Bradford residents since 2011.

But didn't we already know that fracking can contaminate groundwater supplies?

Yes we did. The [redacted] found that the EPA knew about groundwater contamination from fracking as far back as 1987. In fact, links between shale drilling, fracking, and [redacted] has been well documented.

But that has not stopped an industry-funded campaign of denial on the issue. The fracking industry has spent big to keep people in the dark on the real impacts from fracking, funding front groups like [redacted] to obscure the science on fracking and drilling.

Where is the EPA's study on fracking's impact on drinking water?

Even the EPA has been manipulated by the fracking industry's campaign to hide this dangerous truth. The EPA, at the behest of Congress, was tasked with studying the impacts to water supplies from fracking in 2010. This study was supposed to tell the American people what can happen to water supplies when the shale industry sets up shop. Five years and hundreds of thousands of fracked wells later, the EPA has still not given us an answer.

The EPA's study was originally due to be released in 2012, but has been repeatedly delayed. As reported, the delay may have been caused by interference from oil and gas corporations. Shale drilling and fracking companies, including Chesapeake Energy, refused to cooperate with EPA, effectively [redacted] key elements of the study. This delay has kept the American populace in the dark on the real impacts of fracking.

The confusion about who is to blame for contaminated water in Bradford County is an example of the havoc wrought by the fracking industry's campaign of delay against the EPA's water study. In fact, Bradford is one of the places being studied by the EPA in order to ascertain how fracking impacts groundwater. The EPA took 37 samples in Bradford in 2012, yet has not released any findings.

[redacted] obtained by Greenpeace show that Chesapeake Energy [redacted] in Bradford. After Chesapeake found out the EPA intended to research water contamination issues in Bradford, Chesapeake commissioned their own study intended to [redacted] the EPA study and rebut any potential finding of contamination. The Chesapeake study, which they claimed was [redacted], found that there had been no groundwater contamination in the area. Chesapeake stuck with their claim that Bradford water was safe to drink, in spite of reports of [redacted] exposed to Bradford groundwater.

Chesapeake demanded that the EPA include their industry-funded research in Bradford in the overall water study, even though the Chesapeake study collected only 10% of the samples collected by the EPA. As [The Washington Post](#) reported, Chesapeake also reneged on their promises to provide access to well sites for sampling by the EPA.

This new study is further proof that fracking has real impacts to the environment and public health, impacts that the industry has successfully denied for years.



By

Jesse Coleman is a researcher with the Greenpeace Investigations team. His focus is on front groups, fracking, and the oil and gas industry. Jesse's work has been featured in *The Guardian*, *The New York Times*, *The Colbert Report*, *Al-Jazeera*, *MSNBC*, and *NPR*.

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SUSTAINABILITY

Shallow Fracking Wells May Threaten Aquifers

An analysis finds that thousands of oil and gas hydraulic fracturing wells are less than a mile deep

By Jeff Johnson, Chemical & Engineering News on August 6, 2015





Credit: doranjclark/Thinkstock

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Several thousand near-surface hydraulic fracturing, or fracking, operations for oil and natural gas production in the U.S. pose a potentially significant risk of contaminating drinking water sources, according to a new analysis. This first national assessment of fracking focused on well depth raises particular concerns about fracking wells less than a mile deep (*Environ. Sci. Technol.* 2015, DOI: 10.1021/acs.est.5b01228).

Fracking uses water, sand, and an often-proprietary blend of chemicals, which may include benzene, toluene, and other hydrocarbons. Oil and natural gas drilling companies force the mix underground under high pressure to fracture pockets of rock and release oil and gas trapped within, which they draw to the surface.

Shallow wells are cheaper and easier to operate, says Robert B. Jackson of Stanford University, who led the new study. “However, they pose a greater risk for groundwater contamination since they are close to drinking water aquifers.” These groundwater sources can rest from hundreds to thousands of feet below the surface, and natural geologic cracks or faults and past drilling activities can provide a pathway between shallow fracking sites and an aquifer, allowing fracking chemicals, oil, and methane to reach drinking water supplies. Currently, groundwater in Wyoming and California is being investigated for possible fracking-related contamination.

Jackson and colleagues sought to better understand how widespread the risks of fracking-related groundwater contamination might be. So they analyzed the best and only data on fracking wells drilled, from a mostly voluntary well-drilling reporting system known as FracFocus. Between 2010 and 2013, nearly 7,000, or 16%, of the 44,000 hydraulic-fractured oil and gas wells that companies reported drilling were

less than a mile deep, according to the team's analysis. At least 2,600 wells were fracked at 3,000 feet deep or less, and some as shallow as 100 feet. The median depth for all fracturing wells was around 8,200 feet.

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In addition, when fracking at least 2,300 of these shallow wells, drillers used large amounts of water and chemicals, more than 1 million gal per well, to initially fracture rocks and free oil and gas reserves. This subset of wells presents even higher risks of groundwater contamination, the team reports. Arkansas, for example, had more than 300 wells fracked shallower than 3,000 feet, using an average of 5 million gal of water and chemicals per well.

FracFocus relied on voluntary reporting during the study period, and Jackson estimates that the actual number of wells drilled was at least twice the reported number. Reporting requirements have become more stringent since late 2013, however, says an official with FracFocus.

Because they are cheaper to drill, shallow wells are likely to become more common, Jackson notes. But because the output in fracked wells drops by about 80% within the first two years of production, tens of thousands of fracked wells would have to be drilled each year to maintain current output, he says.

Several countries, including Germany, the U.K., and Canada require, or are considering, regulation of shallow-well fracking to guard against groundwater contamination. In the U.S., only Texas and Colorado have any policy or technical requirements for such wells so far, according to the report.

Both Jackson and Mike Nickolaus, an analyst with the Groundwater Protection Council, an organization of state water regulators, found the number of shallow wells surprisingly high. But, "depth is not the only issue," Nickolaus notes. The margins between well and aquifer and the makeup of rock, the site-specific geology, and fracking pressure are also important. He adds that several states are considering measures that would mandate site-specific studies before drilling begins as well as groundwater monitoring before and after fracking near drinking water sources.

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ENVIRONMENT

Fracking Can Contaminate Drinking Water

It took nearly a decade, but former EPA scientist Dominic DiGiulio has proved that fracking has polluted groundwater in Wyoming

By Gayathri Vaidyanathan | ClimateWire on April 4, 2016





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Former EPA scientist Dominic DiGiulio never gave up.

Eight years ago, people in Pavillion, Wyo., living in the middle of a natural gas basin, complained of a bad taste and smell in their drinking water. U.S. EPA launched an inquiry, helmed by DiGiulio, and preliminary testing suggested that the groundwater contained toxic chemicals.

Then, in 2013, the agency suddenly transferred the investigation to state regulators without publishing a final report.

Now, DiGiulio has done it for them.

He published a comprehensive, peer-reviewed study last week in *Environmental Science and Technology* that suggests that people's water wells in Pavillion were contaminated with fracking wastes that are typically stored in unlined pits dug into the ground.

The study also suggests that the entire groundwater resource in the Wind River Basin is contaminated with chemicals linked to hydraulic fracturing, or fracking.

This production technique, which involves cracking shale rock deep underground to extract oil and gas, is popular in the United States. It's also controversial. There are thousands of wells across the American West and in California that are vulnerable to the kind of threat documented in the study, DiGiulio said. He is now a research scholar at Stanford University.

“We showed that groundwater contamination occurred as a result of hydraulic fracturing,” DiGiulio said in an interview. “It contaminated the Wind River formation.”

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The findings underscore the tension at the heart of the Obama administration’s climate change policy, which is based on replacing many coal-fired power plants with facilities that burn cleaner natural gas.

That reliance on natural gas has sometimes blinded agencies to local pollution and health impacts associated with the resource, said Rob Jackson, an earth scientist at Stanford and co-author of the study. In 2015, EPA said in a controversial draft study that hydraulic fracturing has not had “widespread, systemic impacts on drinking water resources in the United States” (*Greenwire*, June 4, 2015).

“The national office of EPA has tended to downplay concerns of their own investigators, in part because the Obama administration has promoted natural gas,” Jackson said. “Natural gas is here to stay. It behooves us to make it as safe and environmentally friendly as possible.”

EPA spokeswoman Julia Valentine said the agency hasn’t yet finalized its assessment that natural gas has no “widespread, systemic impacts.” As part of that process, the agency will evaluate all recent research, including DiGiulio’s study, she said.

Encana Corp., the company that operated in the Pavillion basin, said repeated testing has shown people’s water wells are safe for consumption.

“After numerous rounds of testing by both the state of Wyoming and EPA, there is no evidence that the water quality in domestic wells in the Pavillion Field has changed as a result of oil and gas operations; no oil and gas constituents were found to exceed drinking water standards in any samples taken,” said Doug Hock, an Encana spokesman.

LABS CAN’T SEE FRACKING CHEMICALS

Water testing began in 2009 when the local EPA office responded to complaints from residents. EPA headquarters, and DiGiulio, got involved in January 2010.

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“Conducting a groundwater investigation related to fracking is extremely complicated,” DiGiulio said. “It is difficult because a lot of the compounds used for hydraulic fracturing are not commonly analyzed for in commercial labs.”

These labs were originally set up for the Superfund program, under which EPA cleans up the most contaminated sites in the nation. They are great at detecting chemicals found at Superfund sites but not as good at detecting chemicals used in fracking, DiGiulio said.

“You have some of these very water-soluble exotic compounds in hydraulic fracturing, which were not amenable to routine lab-type analysis,” he said.

One such chemical was methanol. The simplest alcohol, it can trigger permanent nerve damage and blindness in humans when consumed in sufficient quantities. It was used in fracking in Pavillion as workers pumped thousands of gallons of water and chemicals at high pressure into the wells they were drilling. About 10 percent of the mixture contained methanol, DiGiulio said.

So the presence of methanol in the Pavillion aquifer would indicate that fracking fluid may have contaminated it. But methanol degrades rapidly and is reduced within days to trace amounts. Commercial labs did not have the protocol to detect such small traces, so DiGiulio and his colleagues devised new procedures, using high-performance liquid chromatography, to detect it. They devised techniques for detecting other chemicals, as well.

By then, Pavillion was roiling in controversy as EPA and residents collided with industry. EPA had drilled two monitoring wells, MWO1 and MWO2, in 2011, and its testing had found benzene, diesel and other toxic chemicals. But these results were contested by oil and gas industry representatives, who criticized EPA’s sampling techniques (*EnergyWire*, Oct. 12, 2012). They pointed to a technical disagreement

between EPA and the U.S. Geological Survey on the best methods to cast doubt on EPA's overall findings.

EPA realized it needed a consensus on its water testing methodology. In February 2012, it assembled a technical team from the USGS, Wyoming state regulators and tribal representatives from the Wind River Indian Reservation. They retested the monitoring wells in April 2012.

This time, they also tested for methanol. But EPA never released those results to the public. In 2013, the agency backed out of its investigation in Pavillion, handing it over to state regulators, who moved forward using a \$1.5 million grant from Encana (*EnergyWire*, June 21, 2013). DiGiulio said the decision had come from EPA's senior management.

METHANOL, DIESEL AND SALT

Industry representatives repeatedly pointed out that EPA had not published a peer-reviewed study on its findings.

"If the EPA had any confidence in its draft report, which has been intensely criticized by state regulators and other federal agencies, it would proceed with the peer review process," Steve Everley, a spokesman for Energy in Depth, an industry group, said at the time. "But it's not, which says pretty clearly that the agency is finally acknowledging the severity of those flaws and leaning once again on the expertise of state regulators."

In December 2015, state regulators published a draft of their findings. It stated that fracking had not contributed to pollution in Pavillion, according to the *Casper Star Tribune*. The report said the groundwater is generally suitable for people to use.

When DiGiulio retired from EPA in 2014, he trained his sights on Pavillion. He felt he had to finish his work.

“EPA had basically handed the case over and a peer-reviewed document was never finalized,” he said. “If it is not in the peer-reviewed literature, then it presents a problem with credibility in terms of findings. It is important that the work be seen by other scientists and enter the peer review realm so that other scientists will have access to virtually everything.”

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Since 2012, a trove of new data had accumulated from USGS, EPA and state regulators. He obtained EPA’s methanol testing results through a Freedom of Information Act request and downloaded the rest of the information from the Wyoming oil and gas regulator’s website. All of it was publicly available, waiting for the right person to spend a year crunching the information.

The end result: a peer-reviewed study that reaffirms EPA’s findings that there was something suspicious going on in Pavillion. More research is needed.

The sampling wells contained methanol. They also contained high levels of diesel compounds, suggesting they may have been contaminated by open pits where operators had stored chemicals, DiGiulio said.

The deep groundwater in the region contained high levels of salt and anomalous ions that are found in fracking fluid, DiGiulio said. The chemical composition suggests that fracking fluids may have migrated directly into the aquifer through fractures, he said.

Encana had drilled shallow wells at Pavillion, at depths of less than 2,000 feet and within reach of the aquifer zone, said Jackson of Stanford University.

“The shallow hydraulic fracturing is a potential problem because you don’t need a problem with well integrity to have chemicals migrate into drinking water,” he said.

The study also shows that there is a strong upward flow of groundwater in the basin, which means contamination that is deep underground could migrate closer to the surface over time.

“Right now, we are saying the data suggests impacts, which is a different statement than a definitive impact,” DiGiulio said. “We are saying the dots need to be connected here, monitoring wells need to be installed.”

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SHALLOW WELLS ARE PREVALENT

EPA came to the same conclusion in a blistering response last week to Wyoming’s draft findings.

“Many of our recommendations suggest that important information gaps be filled to better support conclusions drawn in the report, and that uncertainties and data gaps be discussed in the report,” said Valentine, the EPA spokeswoman.

The state had tested people’s water wells and detected 19 concerning chemicals. But regulators had concluded that only two chemicals exceeded safe limits and the water could be used for domestic purposes. EPA disagreed. Nearly half the 19 chemicals are unstudied, and scientists do not know the safe level of exposure, EPA stated.

Keith Guille, spokesman for Wyoming’s Department of Environmental Quality, declined to comment on DiGiulio’s study and on EPA’s response to the state’s draft report. The state is finalizing its findings and has its eyes set on the future, he said.

“We are not done yet,” Guille said.

Energy in Depth, the industry group that had earlier criticized EPA for not publishing a peer-reviewed study, said that DiGiulio’s study is “a rehash of EPA’s old, discredited data by the very researcher who wrote EPA’s original report.”

Jackson stressed that the contamination seen at Pavillion could occur in other states where, according to a study published last year in *Environmental Science & Technology* on which he was the lead author, fracking sometimes occurs at shallow depths. That includes the Rocky Mountain region, New Mexico, Colorado, Utah,

Montana and California. At present, no state has restrictions on how shallowly a company can frack, he said.

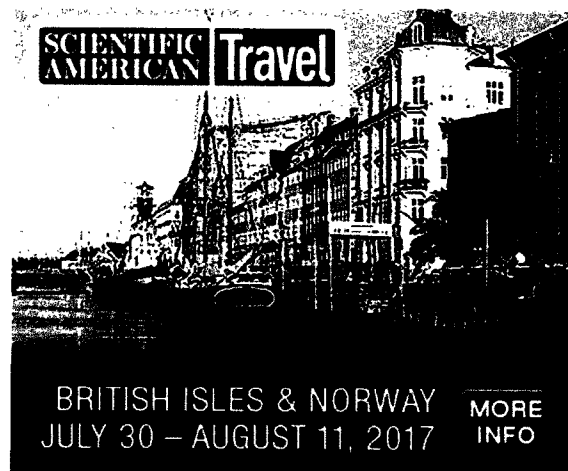
“Shallow hydraulic fracturing is surprisingly common, especially in the western U.S.,” Jackson said. “Here in California, half of the wells are fracked shallower than about 2,000 feet.”

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Given the threat, fracking deserves much greater scrutiny than it has so far received from the Obama administration, said Hugh MacMillan, a scientist with the environmental group Food and Water Watch.

“Communities have never argued that every well goes bad; they’ve argued that when you drill and [are] fracking thousands, too many go bad,” he said. “For those living on groundwater, it becomes a matter of luck, and that’s not right, because over years, more and more people’s luck runs out.”

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